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# HOUSE CONCURRENT RESOLUTION

SUPPORTING ASSISTANCE FOR PERSONS PRESENT IN THE UNITED STATES  
UNDER THE COMPACTS OF FREE ASSOCIATION.

1           WHEREAS, in 1986, the United States (U.S.) entered into a  
2 Compact of Free Association (COFA or Compact) with the Federated  
3 States of Micronesia and the Republic of the Marshall Islands  
4 and, in 1994, the U.S. entered into a similar Compact with the  
5 Republic of Palau that created a unique relationship between the  
6 U.S. and the Freely Associated States; and

7  
8           WHEREAS, the terms of the Compacts set out mutually  
9 beneficial rights and obligations in several areas, including  
10 economic development and defense, and created the right of  
11 citizens from the Freely Associated States to freely travel to,  
12 and work and reside in, the U.S. without durational limit; and

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14           WHEREAS, a significant number of COFA citizens travel to  
15 and reside in the State of Hawaii; and

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17           WHEREAS, many COFA migrants arrive in the state with  
18 serious medical needs, and many need financial assistance or  
19 housing assistance because of the relative lack of resources  
20 they have available; and

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22           WHEREAS, when the Compacts were initially executed,  
23 Congress recognized there could be a significant effect on the  
24 resources of the places to which the COFA citizens migrated and  
25 explicitly stated that, "*it is not the intent of Congress to*  
26 *cause any adverse consequences for an affected jurisdiction*"  
27 P.L. 108-188, section 104(e)(1) (emphasis added); and

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29           WHEREAS, in 1997, Congress passed the Personal  
30 Responsibility Work Opportunities Reconciliation Act (PRWORA),  
31 which provided that most non-citizens in the U.S., with limited  
32 exceptions, became ineligible for federally-funded welfare



1 programs including Temporary Assistance for Needy Families,  
2 Medicaid, Food Stamps, and Supplemental Security Income; and  
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4 WHEREAS, COFA migrants were among the non-citizen groups  
5 excluded by PRWORA, and not included as one of the exceptions,  
6 despite the fact that they are legal residents in the U.S. and  
7 are more like citizens than immigrants or other legally resident  
8 non-citizens in terms of their ability to reside, work, and  
9 attend school in the U.S.; and

10  
11 WHEREAS, despite losing access to federal funds for  
12 services to COFA migrants because of PRWORA, the State of Hawaii  
13 has continued to make the services available through equivalent  
14 state-funded services to address the social, educational, public  
15 safety, and medical needs of COFA citizens who legally reside in  
16 the state, just as it provides them to other legal residents;  
17 and  
18

19 WHEREAS, the State has consistently reported increasing  
20 costs each year for the services provided to COFA migrants, the  
21 majority of which are not reimbursed by the federal government;  
22 and  
23

24 WHEREAS, in 2006, the cost reported by the state agencies  
25 to provide services for COFA migrants was over \$91,000,000,  
26 while the federal assistance to the State as Compact Impact  
27 Assistance was approximately \$10,600,000; and  
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29 WHEREAS, the federal government created the relationship  
30 with the Freely Associated States that allows their citizens to  
31 freely reside in the U.S. with few limitations; and  
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33 WHEREAS, extending eligibility for federal assistance to  
34 the COFA migrants would better support the purposes underlying  
35 the COFA; and  
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37 WHEREAS, providing federal assistance for COFA migrants  
38 additionally would alleviate much of the burden on the State's  
39 budget while still maintaining the same level of services for  
40 the COFA migrants; and  
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42 WHEREAS, the Governor has repeatedly suggested in reports  
43 and letters to the U.S. Department of the Interior that COFA  
44 migrants should be made eligible for federal financial



1 assistance, and Hawaii's Congressional Delegation has  
2 consistently supported the idea of extending federal assistance  
3 to COFA migrants; and  
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5 WHEREAS, in 2007, Senator Akaka and Senator Inouye  
6 introduced a bill in the United States Senate, S. 1676, which  
7 would extend eligibility for certain federal benefits to COFA  
8 migrants legally residing in the U.S.; and  
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10 WHEREAS, in 2007, Representative Abercrombie and  
11 Representative Hirono introduced a bill in the United States  
12 House of Representatives, H.R. 4000, which would extend  
13 eligibility for certain federal benefits to COFA migrants  
14 legally residing in the U.S.; now, therefore,  
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16 BE IT RESOLVED by the House of Representatives of the  
17 Twenty-fourth Legislature of the State of Hawaii, Regular  
18 Session of 2008, the Senate concurring, that the Legislature  
19 supports the bills currently in Congress, S. 1676 and H.R. 4000,  
20 and urges that the bills be heard and moved out of Committee, to  
21 receive the consideration of the full Senate and the full House  
22 of Representatives, and further to encourage Congress and the  
23 President to enact the bills into law, which would benefit COFA  
24 migrants in the U.S. regardless of the state or territory in  
25 which they reside and support the stated intent of Congress that  
26 the relationship created by the Compacts not cause adverse  
27 consequences to the states; and  
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29 BE IT FURTHER RESOLVED that the Department of Labor and  
30 Industrial Relations Office of Language Access is requested to  
31 provide its services to citizens of COFA nations, and that other  
32 programs that may be available to individuals whose first  
33 language is not English be provided to citizens of COFA nations;  
34 and  
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36 BE IT FURTHER RESOLVED that certified copies of this  
37 Concurrent Resolution be transmitted to the President of the  
38 United States, all members of Congress, the Secretary of the  
39 Interior, the Secretary of Health and Human Services, the  
40 Secretary of Agriculture, the Governor, the President of the  
41 Republic of Palau, the President of the Federated States of  
42 Micronesia, and the President of the Republic of the Marshall  
43 Islands.

